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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,146	02/06/2004	Kerry D. Steele	E-1672 (BA4-215)	8437
21567	7590	11/30/2006	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/774,146	Applicant(s) STEELE ET AL.	
	Examiner Sheila B. Smith	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-16, 18-24 and 27-40 is/are rejected.
- 7) ☐ Claim(s) 6, 7, 25, 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5,8-16,18-24,27-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ertin et al. (U. S. Patent Number 6,995,655).

Regarding claim 1, Ertin et al. discloses essentially all the claimed invention as set fourth in the instant application, further Ertin et al. discloses a method of simultaneously reading multiple radio frequency tags, RF tags, and RF reader, in addition Ertin et al. discloses a communications device identification method comprising: providing identification information regarding a group of wireless identification devices within a wireless communications range of a reader (which reads on column 4 lines 39-47); using the provided identification information, selecting one of a plurality of different search procedures for identifying unidentified ones of the wireless identification devices within the wireless communications range (which reads on column 4 lines 47-60); and identifying at least some of the unidentified ones of the wireless identification devices using the selected one of the search procedures (which reads on column 5 lines 53-63).

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Regarding claim 2, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses providing the identification information comprises determining a range of identifiers of the wireless identification devices which may be within the wireless communications range (which reads on column 4 lines 47-59).

Regarding claim 3, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses providing the identification information comprises determining a number of wireless identification devices which may be within the wireless communications range (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 4, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses determining the number comprises calculating a difference between wireless communications devices having minimum and maximum identifiers (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 5, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses determining the number comprises determining using a binary search to identify the wireless communications devices having the minimum and maximum identifiers (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 8, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses an article of manufacture embodying executable instructions

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configured to cause processing circuitry to perform the method of the selecting and the identifying (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 9, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses communicating data intermediate identified ones of the wireless identification devices and the reader (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 10, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses communicating from at least one of the wireless identification devices to the reader comprises communicating using backscatter modulation (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 11, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the reader and the wireless identification devices are configured to implement radio frequency identification device (RFID) communications (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 12, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses device identification method comprising: providing a reader configured to communicate with a plurality of wireless identification devices (which reads on column 4 lines 39-47); identifying a first of the wireless identification devices within a wireless

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communications range of the reader (which reads on column 4 lines 1-27); identifying a second of the wireless identification devices within the wireless communications range of the reader (which reads on column 5 lines 1-37); selecting one of a plurality of different search procedures responsive to the identifying (which reads on column 5 lines 23-47); and identifying at least one unidentified wireless identification device within the wireless communications range using the selected one of the search procedures (which reads on column 5 lines 53-67).

Regarding claim 13, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the first and the second of the wireless identification devices comprise wireless identification devices having respective ones of a minimum and a maximum identifier (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 14, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses communicating with at least one of the identified wireless identification devices using the reader after the identifying (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 15, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses one of the search procedures comprises a binary search procedure, and another of the search procedures comprises a walk-through search procedure (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 16, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses an article of manufacture embodying executable instructions configured to cause processing circuitry to perform the method of the identifying and the selecting (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 18, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses a communications method comprising: providing a first group of wireless identification devices within a wireless communications range of a reader at a first moment in time (which reads on column 4 lines 48-67); providing first identification information regarding the first group (which reads on column 4 lines 38-47); first selecting one of a plurality of different search procedures for identifying the wireless identification devices of the first group, wherein the first selecting comprises selecting using the first identification information (which reads on column 4 lines 48-60); identifying unidentified ones of the wireless identification devices of the first group using the selected one of the search procedures; providing a second group of wireless identification devices within the wireless communications range of the reader at a second moment in time (which reads on column 5 lines 53-67); providing second identification information regarding the second group; second selecting an other of the different search procedures using the second identification information; and identifying unidentified ones of the wireless identification devices of the second group using the selected other of the search procedures (which reads on column 5 lines 48-63).

Regarding claim 19, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses communicating data intermediate the reader and identified ones of the wireless identification devices of the first and the second groups (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 20, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses a wireless communications reader comprising: an antenna configured to communicate wireless signals within a wireless communications range (which reads on column 4 lines 48-67); and processing circuitry coupled with the antenna and configured to implement wireless communications with a plurality of wireless identification devices within the wireless communications range via the antenna (which reads on column 4 lines 38-47), to analyze a number of wireless identification devices which may be present within the wireless communications range with respect to a range of identifiers of wireless identification devices which may be present within the communications range (which reads on column 4 lines 48-60), to select one of a plurality of search procedures responsive to the analysis, and to identify at least one of the wireless identification devices within the wireless communications range using the selected search procedure (which reads on column 5 lines 53-67).

Regarding claim 21, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the processing circuitry is configured to estimate the number of the wireless identification devices (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 22, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the processing circuitry is configured to identify minimum and maximum ones of the wireless identification devices and to calculate a difference between the minimum and maximum ones of the wireless identification devices to estimate the number (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 23, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the processing circuitry is configured to estimate the range of identifiers of the wireless identification devices (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 24, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the processing circuitry is configured to estimate the range corresponding to minimum and maximum possible values associated with the processing circuitry (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 27, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the processing circuitry is configured to process backscatter modulation communications received from at least one of the wireless identification devices (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 28, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the processing circuitry is configured to implement radio frequency identification device (RFID) communications-using the antenna (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 29, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses a wireless communications system comprising: a wireless communications reader configured to implement wireless communications within a wireless communications range (which reads on column 1 lines 48-67); a first group of wireless identification devices located within the wireless communications range at a first moment in time; a second group of wireless identification devices located within the wireless communications range at a second moment in time (which reads on column 2 lines 1-46); wherein the wireless communications reader is configured to obtain the identity of at least one of the wireless identification devices of the first group using a first search procedure and to obtain the identity of at least one of the wireless identification devices of the second group using a second search procedure different than the first search procedure (which reads on column 1 lines 48-67); and wherein the wireless communications reader is configured to select the first and the second search procedures responsive to an analysis of group identification information of respective ones of the first group and the second group (which reads on column 5 lines 53-67).

Regarding claim 30, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the wireless communications reader and identified

ones of the wireless identification devices are configured to exchange wireless communications (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 31, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the first search procedure comprises a binary search procedure and the second search procedure comprises a walk-through search procedure (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claim 32, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses an article of manufacture comprising: a medium comprising executable instructions configured to cause processing circuitry of a wireless communications reader to: access information regarding a plurality of wireless identification devices which may be within a communications range of the wireless communications reader (which reads on column 1 lines 48-67); select one of a plurality of different search procedures using the accessed information, wherein the different search procedures comprise procedures for identifying unidentified ones of the wireless identification devices (which reads on column 1 lines 48-67); and identify unidentified ones of the wireless identification devices using the selected one of the search procedures (which reads on column 5 lines 53-67).

Regarding claim 33, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the executable instructions are configured to cause the processing circuitry to access the information comprising a range of identifiers of the wireless

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identification devices and a number of the wireless identification devices (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Regarding claims 34-40, Ertin et al. discloses everything claimed, as applied above (see claim 1) additionally, Ertin et al. discloses the executable instructions are configured to cause the processing circuitry to implement wireless communications with at least one of the identified wireless identification devices (which reads on column 1 lines 48-67 and column 2 lines 1-46).

Allowable Subject Matter

2. Claims 6,7,25,26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claim 17 allowed.

Response to Arguments

4. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Smith 
November 27, 2006


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER